

May 31, 2023

VIA ECF

Hon. Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street, Room 750
New York, NY 10007

Re: *Kaiser Aluminum Warrick, LLC v. US Magnesium, LLC*, Case No. 1:22-cv-3105 (JGK) (KHP)

Dear Judge Parker:

Plaintiff Kaiser Warrick Aluminum, LLC (“Kaiser”) and Defendant US Magnesium, LLC (“US Mag”) write jointly pursuant to the Court’s March 31, 2023 Order (ECF No. 96) to provide an update on the status of discovery.

Document Production and Logs

The parties believe that they have substantially completed document discovery and have agreed to exchange privilege and attorneys’ eyes only logs to the extent not already produced¹ no later than June 30, 2023. Should either party discover any issue with the other’s document production or logs (including after depositions), they will meet and confer as required by the Court’s rules and bring any unresolved issues to the Court as appropriate.

Depositions

In terms of depositions, Kaiser took the deposition of non-party Universal Plant Services (“UPS”), through its designated representative Christopher Lab, on May 17, 2023, in Houston. Kaiser took the depositions of Ron Thayer, Cameron Tissington, Peter Ngai, and Ray Bassani on May 22-25, 2023, all in Salt Lake City. Kaiser representatives also visited US Mag’s plant on May 26, 2023.

During these depositions, Kaiser identified certain documents that Kaiser believes were not produced by US Mag and is following up with US Mag’s counsel on those items. It was also agreed that Kaiser may recall Mr. Thayer for the limited purpose of follow-up regarding a document that US Mag’s counsel clawed back during the deposition due to concerns over attorney-client privilege, and then determined was not privileged.

The parties have also (1) scheduled the video deposition of former US Mag employee Cody Nielson for June 28, 2023, and (2) scheduled the depositions of US Mag employee Martin Davis, non-party Greg Taylor (formerly of Core Industrial), and former US Mag employee Remington Lawrence for July 26-28, 2023, all in Salt Lake City. Kaiser intends to conduct the follow-up deposition session of

¹ Kaiser has already produced attorneys’ eyes only logs with certain of its document productions.

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Mr. Thayer while in Salt Lake City for the July depositions, his schedule permitting. Kaiser also intends to take the deposition of a representative of General Electric (“GE”), which has yet to be scheduled.

In terms of depositions of Kaiser witnesses, the parties have scheduled the depositions of Del Miller, Evan Quinley, Dustin Garrels, and Neal West both as corporate representatives and in their individual capacities on July 10-14, 2023, near Nashville. The parties have also scheduled the depositions of Kaiser witnesses Nick Badgett and John Donnan on August 3-4, 2023, near Nashville.

The deposition schedule above is not final and both parties reserve the right to make changes.

The parties will make themselves available to answer any questions that the Court may have.

Respectfully submitted,

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